

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES, *et al.*,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

No: 1:23-cv-00108-LMB-JFA

**DECLARATION OF WILLIAM H. CROSBY IN SUPPORT OF NON-PARTY
THE INTERPUBLIC GROUP OF COMPANIES, INC.'S MEMORANDUM OF LAW
AND MOTION TO SEAL**

I, William H. Crosby, hereby declare as follows:

1. I am a Senior Vice President and Associate General Counsel at non-party The Interpublic Group of Companies, Inc. (“IPG”). In this capacity I am familiar with IPG’s advertising technology business, its relationships with advertisers, and the importance of maintaining the confidentiality of sensitive commercial information relating to these operations. I respectfully submit this declaration in support of IPG’s Motion to Seal and Memorandum of Law in support of its Motion to Seal.

2. This declaration is based upon my personal knowledge, and I am competent to testify to the matters stated herein.

3. I have reviewed IPG’s proposed redactions marked in blue boxes to the documents set forth as Attachments A-L to this declaration. The limited information that IPG seeks to seal fits into one of three categories of confidential information.

A. Non-Public Portions of Confidential Submissions Made to Foreign Enforcement Agencies

4. IPG proposes limited redactions of its confidential submissions in response to European Commission and United Kingdom Competition & Markets Authority (CMA) requests for information.

Attachment	Document	Pages with Redactions
A	PTX 1623 (IPG-ADTECH_002361)	IPG-ADTECH_002365 IPG-ADTECH_002370-71 IPG-ADTECH_002377 IPG-ADTECH_002330 (excel document)
B	PTX 1654 (IPG-ADTECH_000012)	IPG-ADTECH_000024 IPG-ADTECH_000026

5. I have reviewed IPG's proposed redactions to the confidential submissions identified in Paragraph 4 above. Attachment A is the confidential version of a submission by IPG to the CMA. Attachment B is the confidential non-public version of IPG's submission to the European Commission made in response to a Request for Information relating to its investigation of Google Data-related practices.

6. IPG seeks to redact only those limited portions of those submissions for which it sought and received confidential treatment from those foreign enforcement authorities. These documents were also used as exhibits in the Department of Justice's Google Search case, and IPG claimed confidentiality protections for the same limited portions of those submissions. The commercially sensitive information that IPG seeks to seal includes recent or current pricing terms, such as rebates and fees, as well as recent or current commercially sensitive non-pricing contractual terms and arrangements.

7. Public disclosure of the non-public financial terms of IPG commercial agreements with its clients, including fees and rebates and other sensitive contractual terms, would put IPG

at a disadvantage in future negotiations with other clients. Disclosure would also provide competitors of IPG with an advantage competing with IPG for future business opportunities and could harm competition and clients. Further details about the reasons why disclosure would cause significant harm to IPG were provided to the CMA at the time of submission and are included in Attachment A PTX 1623 at IPG-0002361-63.

B. Confidential and Competitively Sensitive Pricing and Commercial Information Related to IPG's Relationships with its Clients

8. IPG proposes limited redactions of additional competitively sensitive pricing and commercial terms related to IPG's business relationships with its clients, United States Postal Service (USPS) and the Centers for Medicare & Medicaid Service (CMS), in ordinary course business documents. The proposed redactions are reflected in the following attachments:

Attachment	Document	Pages with Redactions
C	DTX 1176 (USPS-ADS-0000529112)	USPS-ADS-0000529113 USPS-ADS-0000529175 USPS-ADS-0000529183
D	DTX 1197 (USPS-ADS-0000529380)	USPS-ADS-0000529380 to USPS-ADS-0000529383 USPS-ADS-0000529390 to USPS-ADS-0000529393
E	DTX 1222 (USPS-ADS-000066960)	USPS-ADS-000066960 to USPS-ADS-0000669714 Excel attachment produced natively without Bates – redactions on all pages. Excel attachment starts at USPS-ADS-0000669715.
F	DTX 1241 (CMS-ADS-0000023248)	CMS-ADS-0000023279 to CMS-ADS-0000023283
H	DTX 1296 (CMS-ADS-0000018746)	CMS-ADS-0000018746 to CMS-ADS-0000018750 CMS-ADS-0000018766 to CMS-ADS-0000018768 CMS-ADS-0000018773 to CMS-ADS-0000018774
I	DTX 1351 (USPS-ADS-0000623759)	USPS-ADS-0000623759 to USPS-ADS-0000623841 Excel attachment produced natively without Bates – redactions on all pages with text.

		Excel attachment starts after USPS-ADS-0000623841.
K	DTX 1463 (USPS-ADS-0000902291)	USPS-ADS-0000902292 USPS-ADS-0000902354 USPS-ADS-0000902362 USPS-ADS-0000902367 USPS-ADS-0000902370 USPS-ADS-0000902373
L	Lim Exhibit F (UNDER SEAL) [excerpt of DTX 1547] (CMS-ADS-0001096610)	Excel produced natively without Bates. Redactions on the following pages of the PDF: 43 to 51, 53 to 68.

9. I have reviewed IPG's proposed redactions to proposed trial exhibits listed above. The proposed redactions identified in Paragraph 8 consist of IPG's current or recent pricing, terms, and fees and invoice payments received from identified IPG customers. Public disclosure of these recent or current non-public financial terms of IPG commercial agreements with its clients, including rates, pricing, fees, and invoice payments, would put IPG at a disadvantage in future negotiations with other clients. Disclosure would also provide competitors of IPG with an advantage competing with IPG for future business opportunities and could harm competition and clients.

C. Sensitive and Non-Public Personal Information

10. IPG proposes to redact sensitive, personal, non-public information about its employees, including mobile telephone numbers and sensitive biographical information. The proposed redactions are reflected in the following attachments:

Attachment	Document	Pages with Redactions
C	DTX 1176 (USPS-ADS-0000529112)	USPS-ADS-0000529184 to USPS-ADS-0000529186
F	DTX 1241 (CMS-ADS-0000023248)	CMS-ADS-0000023297 to CMS-ADS-0000023337
G	DTX 1295 (USPS-ADS-0000899135)	USPS-ADS-0000899135

J	DTX 1452 (USPS-ADS-0000899149)	USPS-ADS-0000899149 to USPS-ADS-0000899151
K	DTX 1463 (USPS-ADS-0000902291)	USPS-ADS-0000902363 to USPS-ADS-0000902365

11. I have reviewed IPG's proposed redactions to proposed trial exhibits listed above. The information that IPG proposes to redact, as identified in Paragraph 10, consists of personal information of IPG employees, including mobile phone numbers of IPG employees and detailed biographical profiles that include private details, such as number of children and where these employees live. This information is not relevant to the subject matter of this litigation and public disclosure of detailed sensitive personal information could harm these individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 25th day of July, 2024, in New York, New York.

William H. Crosby